

July 10, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 7

**REMARKS**

In the Non-Final Office Action, Examiner Appiah objected to and rejected pending claims 13-29 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

A. Examiner Appiah objected to pending dependent claim 15 due to typographical and grammatical errors.

The Applicant amended dependent claim 15 as well as claims 21, 25 and 27 to correct typographical and grammatical errors. Withdrawal of the objection of dependent claim 15 is therefore respectfully requested.

B. Examiner Appiah rejected pending claims 13, 16-19, 22, 23, 26 and 27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,356,759 to *Mustajarvi* et al.

The Applicant has thoroughly considered Examiner Appiah's remarks concerning the patentability of claims 13, 16-19, 22, 23, 26 and 27 over *Mustajarvi*. The Applicant has also thoroughly read *Mustajarvi*. To warrant this §102(e) rejection of independent claims 13, 19, 23 and 27, *Mustajarvi* must show each and every limitation of independent claims 13, 19, 23 and 27 in as complete detail as is contained in independent claim 17. Sec. MPEP §2131. The Applicant respectfully traverses this §102(e) rejection of independent claims 13, 19, 23 and 27, because *Mustajarvi* fails to disclose, teach or suggest "wherein, subsequent to a reception of the acknowledgement by said secondary station, control information is initially transmitted on an uplink control channel and a downlink control channel between said primary station and said secondary station" as recited in independent claim 13 (a radio communication system) and encompassed by independent claims 19 (a primary station), 23 (a secondary station) and 27 (radio communication operation method).

July 10, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 8

Specifically, as illustrated in FIG. 3, *Mustajarvi* discloses an allocation of resources between a secondary station MS and a primary station BSS. At a step 3-1, the secondary station MS transmits a first request for resources to the primary station BSS. At a step 3-2, the primary station BSS acknowledges the first request for resources by the secondary station MS. At this point, *Mustajarvi* teaches the secondary station MS will go to step 3-5 to transmit data to the primary station BSS if the resources allocated by primary station BSS during step 3-2 are sufficient (it is inherent that control information was concurrently transmitted with the first acknowledgment). Otherwise, when the resources allocated by primary station BSS during step 3-2 are insufficient, the secondary station MS goes to step 3-3 to transmit a second request for additional resources and the primary station BSS acknowledges the second request for additional resources by the secondary station MS during step 3-4. See, Mustajarvi at column 2, lines 53-61. *Mustajarvi* further teaches the incorporation of control information within the second acknowledgement of step 3-4. See, Mustajarvi at column 2, line 62 to column 3, line 3.

Thus, control information as taught by *Mustajarvi* is concurrently transmitted with the first acknowledgment (3-2) and the second acknowledgment (3-4) if it is transmitted. Consequently, *Mustajarvi* fails to disclose and teaches away from an initial transmission of the control information subsequent to a reception of an acknowledgement by secondary station MS.

Withdrawal of the rejection of independent claims 13, 19, 23 and 27 under 35 U.S.C. §102(e) as being anticipated by *Mustajarvi* is therefore respectfully requested.

Claims 16-18 depend from independent claim 13. Therefore, dependent claims 16-18 include all of the elements and limitations of independent claim 13. It is therefore respectfully submitted by the Applicants that dependent claims 16-18 are allowable over *Mustajarvi* for at least the same reason as set forth herein with respect to independent claim 13 being allowable over *Mustajarvi*. Withdrawal of the rejection of dependent claims 16-18 under 35 U.S.C. §102(e) as being anticipated by *Mustajarvi* is respectfully requested.

July 10, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 9

Claim 22 depends from independent claim 19. Therefore, dependent claim 22 includes all of the elements and limitations of independent claim 19. It is therefore respectfully submitted by the Applicants that dependent claim 22 is allowable over *Mustajarvi* for at least the same reason as set forth with respect to independent claim 19 being allowable over *Mustajarvi*. Withdrawal of the rejection of dependent claim 22 under 35 U.S.C. §102(e) as being anticipated by *Mustajarvi* is respectfully requested.

Claim 26 depends from independent claim 23. Therefore, dependent claim 26 includes all of the elements and limitations of independent claim 23. It is therefore respectfully submitted by the Applicants that dependent claim 26 is allowable over *Mustajarvi* for at least the same reason as set forth with respect to independent claim 23 being allowable over *Mustajarvi*. Withdrawal of the rejection of dependent claim 26 under 35 U.S.C. §102(e) as being anticipated by *Mustajarvi* is respectfully requested.

C. Examiner Appiah rejected pending c14, 15, 20, 21, 24, 25, 28 and 29 rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,356,759 to *Mustajarvi* in view of U.S. Patent No. 6,310,868 to *Esmailzadeh* et al.

Claims 14 and 15 depend from independent claim 13. Therefore, dependent claims 14 and 15 include all of the elements and limitations of independent claim 13. It is therefore respectfully submitted by the Applicants that dependent claims 14 and 15 are allowable over *Mustajarvi* in view of *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 13 being allowable over *Mustajarvi*. Withdrawal of the rejection of dependent claims 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Mustajarvi* in view of *Esmailzadeh* is respectfully requested.

Claims 20 and 21 depend from independent claim 19. Therefore, dependent claims 20 and 21 include all of the elements and limitations of independent claim 19. It is therefore respectfully submitted by the Applicants that dependent claims 20 and 21 are allowable over *Mustajarvi* in view of *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 19 being allowable over *Mustajarvi*.

July 10, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 10

Withdrawal of the rejection of dependent claims 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over *Mustajarvi* in view of *Esmailzadeh* is respectfully requested.

Claims 24 and 25 depend from independent claim 23. Therefore, dependent claims 24 and 25 include all of the elements and limitations of independent claim 23. It is therefore respectfully submitted by the Applicants that dependent claims 24 and 25 are allowable over *Mustajarvi* in view of *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 23 being allowable over *Mustajarvi*.

Withdrawal of the rejection of dependent claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over *Mustajarvi* in view of *Esmailzadeh* is respectfully requested.

Claims 28 and 29 depend from independent claim 27. Therefore, dependent claims 28 and 29 include all of the elements and limitations of independent claim 27. It is therefore respectfully submitted by the Applicants that dependent claims 28 and 29 are allowable over *Mustajarvi* in view of *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 27 being allowable over *Mustajarvi*.

Withdrawal of the rejection of dependent claims 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over *Mustajarvi* in view of *Esmailzadeh* is respectfully requested.

July 10, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 11

**SUMMARY**

Examiner Appiah's objection and rejections of pending claims 13-29 have been obviated by the amendment of dependent claim 15, and the remarks supporting the allowance of claims 13-29 over *Mustajarvi*. The Applicant respectfully submits that claims 13-29 as amended herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Appiah is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: July 10, 2003

Respectfully submitted,  
MATTHEW P.J. BARKER

U.S. PHILIPS  
580 White Plains Road  
Tarrytown, New York 10591  
Phone: (914) 333-9606  
Fax: (914) 332-0615

CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, Illinois 60201  
Phone: (847) 905-7111  
Fax: (847) 905-7113

Jack D. Slobod  
Registration No. 26,236  
Attorney for Applicant

  
Darrin Wesley Harris  
Registration No. 40,636  
Attorney for Applicant